

1 AN ACT in relation to aging.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Senior Citizens and Disabled Persons  
5 Property Tax Relief and Pharmaceutical Assistance Act is  
6 amended by changing Section 4 as follows:

7 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

8 Sec. 4. Amount of Grant.

9 (a) In general. Any individual 65 years or older or any  
10 individual who will become 65 years old during the calendar  
11 year in which a claim is filed, and any surviving spouse of  
12 such a claimant, who at the time of death received or was  
13 entitled to receive a grant pursuant to this Section, which  
14 surviving spouse will become 65 years of age within the 24  
15 months immediately following the death of such claimant and  
16 which surviving spouse but for his or her age is otherwise  
17 qualified to receive a grant pursuant to this Section, and  
18 any disabled person whose annual household income is less  
19 than \$14,000 for grant years before the 1998 grant year, less  
20 than \$16,000 for the 1998 and 1999 grant years, and less than  
21 (i) \$21,218 for a household containing one person, (ii)  
22 \$28,480 for a household containing 2 persons, or (iii)  
23 \$35,740 for a household containing 3 or more persons for the  
24 2000 grant year and thereafter and whose household is liable  
25 for payment of property taxes accrued or has paid rent  
26 constituting property taxes accrued and is domiciled in this  
27 State at the time he or she files his or her claim is  
28 entitled to claim a grant under this Act. With respect to  
29 claims filed by individuals who will become 65 years old  
30 during the calendar year in which a claim is filed, the  
31 amount of any grant to which that household is entitled shall

1 be an amount equal to  $1/12$  of the amount to which the  
2 claimant would otherwise be entitled as provided in this  
3 Section, multiplied by the number of months in which the  
4 claimant was 65 in the calendar year in which the claim is  
5 filed.

6 (b) Limitation. Except as otherwise provided in  
7 subsections (a) and (f) of this Section, the maximum amount  
8 of grant which a claimant is entitled to claim is the amount  
9 by which the property taxes accrued which were paid or  
10 payable during the last preceding tax year or rent  
11 constituting property taxes accrued upon the claimant's  
12 residence for the last preceding taxable year exceeds  $3\frac{1}{2}\%$   
13 of the claimant's household income for that year but in no  
14 event is the grant to exceed (i) \$700 less 4.5% of household  
15 income for that year for those with a household income of  
16 \$14,000 or less or (ii) \$70 if household income for that year  
17 is more than \$14,000.

18 (c) Public aid recipients. If household income in one  
19 or more months during a year includes cash assistance in  
20 excess of \$55 per month from the Department of Public Aid or  
21 the Department of Human Services (acting as successor to the  
22 Department of Public Aid under the Department of Human  
23 Services Act) which was determined under regulations of that  
24 Department on a measure of need that included an allowance  
25 for actual rent or property taxes paid by the recipient of  
26 that assistance, the amount of grant to which that household  
27 is entitled, except as otherwise provided in subsection (a),  
28 shall be the product of (1) the maximum amount computed as  
29 specified in subsection (b) of this Section and (2) the ratio  
30 of the number of months in which household income did not  
31 include such cash assistance over \$55 to the number twelve.  
32 If household income did not include such cash assistance over  
33 \$55 for any months during the year, the amount of the grant  
34 to which the household is entitled shall be the maximum

1 amount computed as specified in subsection (b) of this  
2 Section. For purposes of this paragraph (c), "cash  
3 assistance" does not include any amount received under the  
4 federal Supplemental Security Income (SSI) program.

5 (d) Joint ownership. If title to the residence is held  
6 jointly by the claimant with a person who is not a member of  
7 his or her household, the amount of property taxes accrued  
8 used in computing the amount of grant to which he or she is  
9 entitled shall be the same percentage of property taxes  
10 accrued as is the percentage of ownership held by the  
11 claimant in the residence.

12 (e) More than one residence. If a claimant has occupied  
13 more than one residence in the taxable year, he or she may  
14 claim only one residence for any part of a month. In the  
15 case of property taxes accrued, he or she shall prorate 1/12  
16 of the total property taxes accrued on his or her residence  
17 to each month that he or she owned and occupied that  
18 residence; and, in the case of rent constituting property  
19 taxes accrued, shall prorate each month's rent payments to  
20 the residence actually occupied during that month.

21 (f) There is hereby established a program of  
22 pharmaceutical assistance to the aged and disabled which  
23 shall be administered by the Department in accordance with  
24 this Act, to consist of payments to authorized pharmacies, on  
25 behalf of beneficiaries of the program, for the reasonable  
26 costs of covered prescription drugs. Each beneficiary who  
27 pays \$5 for an identification card shall pay no additional  
28 prescription costs. Each beneficiary who pays \$25 for an  
29 identification card shall pay \$3 per prescription. In  
30 addition, after a beneficiary receives \$2,000 in benefits  
31 during a State fiscal year, that beneficiary shall also be  
32 charged 20% of the cost of each prescription for which  
33 payments are made by the program during the remainder of the  
34 fiscal year. To become a beneficiary under this program a

1 person must: (1) be (i) 65 years of age or older, or (ii) the  
2 surviving spouse of such a claimant, who at the time of death  
3 received or was entitled to receive benefits pursuant to this  
4 subsection, which surviving spouse will become 65 years of  
5 age within the 24 months immediately following the death of  
6 such claimant and which surviving spouse but for his or her  
7 age is otherwise qualified to receive benefits pursuant to  
8 this subsection, or (iii) disabled, and (2) be domiciled in  
9 this State at the time he or she files his or her claim, and  
10 (3) have a maximum household income of less than \$14,000 for  
11 grant years before the 1998 grant year, less than \$16,000 for  
12 the 1998 and 1999 grant years, and less than (i) \$21,218 for  
13 a household containing one person, (ii) \$28,480 for a  
14 household containing 2 persons, or (iii) \$35,740 for a  
15 household containing 3 more persons for the 2000 grant year  
16 and thereafter. In addition, each eligible person must (1)  
17 obtain an identification card from the Department, (2) at the  
18 time the card is obtained, sign a statement assigning to the  
19 State of Illinois benefits which may be otherwise claimed  
20 under any private insurance plans, and (3) present the  
21 identification card to the dispensing pharmacist.

22 The Department shall adopt rules specifying all  
23 eligibility and participation requirements for the  
24 pharmaceutical assistance program, including copayment  
25 amounts, identification card fees, expenditure limits, and  
26 the benefit threshold after which a 20% charge is imposed on  
27 the cost of each prescription, to be in effect on and after  
28 July 1, 2004. To the extent practicable, those requirements  
29 shall be commensurate with the requirements provided in rules  
30 adopted by the Department of Public Aid to implement the  
31 pharmacy assistance program under Section 5-5.12a of the  
32 Illinois Public Aid Code.

33 Whenever a generic equivalent for a covered prescription  
34 drug is available, the Department shall reimburse only for

1 the reasonable costs of the generic equivalent, less the  
2 co-pay established in this Section, unless (i) the covered  
3 prescription drug contains one or more ingredients defined as  
4 a narrow therapeutic index drug at 21 CFR 320.33, (ii) the  
5 prescriber indicates on the face of the prescription "brand  
6 medically necessary", and (iii) the prescriber specifies that  
7 a substitution is not permitted. When issuing an oral  
8 prescription for covered prescription medication described in  
9 item (i) of this paragraph, the prescriber shall stipulate  
10 "brand medically necessary" and that a substitution is not  
11 permitted. If the covered prescription drug and its  
12 authorizing prescription do not meet the criteria listed  
13 above, the beneficiary may purchase the non-generic  
14 equivalent of the covered prescription drug by paying the  
15 difference between the generic cost and the non-generic cost  
16 plus the beneficiary co-pay.

17 Any person otherwise eligible for pharmaceutical  
18 assistance under this Act whose covered drugs are covered by  
19 any public program for assistance in purchasing any covered  
20 prescription drugs shall be ineligible for assistance under  
21 this Act to the extent such costs are covered by such other  
22 plan.

23 The fee to be charged by the Department for the  
24 identification card shall be equal to \$5 per coverage year  
25 for persons below the official poverty line as defined by the  
26 United States Department of Health and Human Services and \$25  
27 per coverage year for all other persons.

28 In the event that 2 or more persons are eligible for any  
29 benefit under this Act, and are members of the same  
30 household, (1) each such person shall be entitled to  
31 participate in the pharmaceutical assistance program,  
32 provided that he or she meets all other requirements imposed  
33 by this subsection and (2) each participating household  
34 member contributes the fee required for that person by the

1 preceding paragraph for the purpose of obtaining an  
2 identification card.

3 (Source: P.A. 91-357, eff. 7-29-99; 91-699, eff. 1-1-01;  
4 92-131, eff. 7-23-01; 92-519, eff. 1-1-02; 92-651, eff.  
5 7-11-02.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.